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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
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12 AMERICAN AUTOMOBILE)
13 ASSOCIATION, INC., a)
14 Connecticut corporation,)

15 Plaintiff,)

16 v.)

17 H&H TOWING SERVICE, an)
18 entity of unknown form;)
19 HASON RUBEN TORRES, an)
20 individual; and DOES 1)
21 through 10, inclusive,)

22 Defendants.)

CV 15-07112-RSWL-KLS

ORDER re: MOTION FOR
ORDER TO SHOW CAUSE RE
CIVIL CONTEMPT [27]

23 Now before the Court is Plaintiff American
24 Automobile Association, Inc.'s ("Plaintiff") Motion for
25 Order to Show Cause re Civil Contempt ("Motion") [27].
26 Plaintiff moves this Court for an Order to Show Cause
27 why Defendants should not be held in contempt of this
28 Court's April 11, 2016 Judgment and Permanent
Injunction. See generally Mot., ECF No. 27.

1 "[C]ourts have inherent power to enforce compliance
2 with their lawful orders through civil contempt."
3 Spallone v. United States, 493 U.S. 265, 276 (1990);
4 Shillitani v. U.S., 384 U.S. 364 (1966). "[C]ivil
5 contempt may be established even though the failure to
6 comply with the court order was unintentional." Perry
7 v. O'Donnell, 759 F.2d 702, 705 (9th Cir. 1985). A
8 showing of wilfulness is not a necessary element for
9 civil contempt because while the purpose of criminal
10 contempt is punishment, the purpose of civil contempt
11 is remedial. Id. Further, there is no good faith
12 exception to the requirement of obedience to a court
13 order. In re Dual-Deck Video Cassette Recorder
14 Antitrust Litigation, 10 F.3d 693, 695 (9th Cir. 1993).

15 "For issuance of a contempt order to be proper,
16 [Plaintiff] must establish '(1) that [Defendants]
17 violated the court order, (2) beyond substantial
18 compliance, (3) not based on a good faith and
19 reasonable interpretation of the order, (4) by clear
20 and convincing evidence.'" Labor / Community Strategy
21 Ctr. v. Los Angeles County Metropolitan Transp.
22 Authority, 564 F.3d 1115, 1123 (9th Cir. 2009). "The
23 moving party has the burden of showing by clear and
24 convincing evidence that the contemnors violated a
25 specific and definite order of the court. The burden
26 then shifts to the contemnors to demonstrate why they
27 were unable to comply." FTC v. Affordable Media, LLC,
28 179 F.3d 1228, 1239 (9th Cir. 1999).

1 On April 11, 2016, this Court entered Judgment in
2 favor of Plaintiff and against Defendants. J., ECF No.
3 24. Upon review of Plaintiff's Motion and all relevant
4 papers, it is clear to this Court that Defendants have
5 violated Paragraphs 2 and 5 of the Judgment. See Id.
6 Accordingly, the Court hereby **ORDERS** Defendants to show
7 cause, within thirty days of the entry of this Order,
8 as to why they failed to comply with this Court's April
9 11, 2016 Judgment. Defendants are further ordered to
10 submit proof of compliance with this Court's April 11,
11 2016 Judgment, within thirty days. Defendants are
12 warned that if they fail to comply with this Court's
13 Order within the proscribed period, the Court may
14 impose civil contempt sanctions, including but not
15 limited to monetary sanctions.

16 **IT IS SO ORDERED.**

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18 DATED: July 19, 2016

s/ RONALD S.W. LEW

19 **HONORABLE RONALD S.W. LEW**
20 Senior U.S. District Judge
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